

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re: Hibler

Case Number 09-38748

Opposition to motion to
dismiss

Judge: Speer

Opposition to motion to dismiss

Debtor by their attorney, Roger Stark, respectfully requests the court to deny the motion to dismiss:

Debtors filed his original petition under Chapter 13 and the case was assigned case number 09-38748

Debtor was not able to attend the first scheduled meeting of creditors due to a conflict with his work schedule that was necessary to honor.

The case was moved to a case under chapter 7 and the current trustee was assigned.

Due to a breakdown in communication and a fundamental disagreement as to the procedure required and the proper chapter to proceed under, debtor has dismissed counsel and is seeking other counsel.

It is the opinion of dismissed counsel that this case is properly set in chapter 13 due to income and spouse's income.

The Debtors through recently dismissed counsel respectfully request the court to deny the motion while the debtor seeks and retains other counsel or to set the case for a hearing on the matter.

_____/S/ Roger Stark____

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